

REMARKS

This Response is submitted in reply to the Final Office Action dated September 25, 2007. Claims 1, 13, 24, 29 and 34 have been amended. No new matter has been added by any of these amendments. Claims 2, 14 to 18, 20 and 21 have been cancelled without prejudice or disclaimer. Claim 19 stands previously canceled. Claims 29 to 38 stand allowed.

A Request for Continued Examination is submitted herewith. Please charge deposit account number 02-1818 for the cost of such Request for Continued Examination and any additional costs due in connection with this Response.

The Office Action objected to Claims 2 and 13 for various informalities. Applicants have cancelled Claim 2 and amended independent Claim 13 to overcome such informality.

The Office Action rejected Claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action stated that Claim 1 ambiguously recited both "at least one display device" and "a display device". Applicants have amended independent Claim 1 to clarify this recitation and respectfully submit that such rejection has been overcome.

The Office Action rejected Claims 1 to 18 and 20 to 28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,572,471 to Bennett. Applicants respectfully disagree. Nonetheless, to expedite prosecution of the present patent application, certain of the claims have been amended for clarity.

Bennett discloses a slot machine with a matrix of selectable elements or zones. A control program randomly associates prizes with a predetermined number of the zones. In operation, upon pressing the start button, a player may immediately select a zone. If the player does not select a zone within a predetermined time, the game will commence revealing zones randomly until all zones with associated prize values have been revealed. When each zone is selected, either by the player or the game, the selected zone will change state to indicate that it has been selected and remain in its new state until the end of the game. If any selected zone has a prize associated with it,

it will indicate the value of that prize. If the game continues until there is only one unselected zone and the player still has not made a selection, the last zone will be automatically taken to the player selection. If the zone selected by the player, or allocated to him has a prize associated with it, that prize will be credited to the player.

In one version of the Bennett slot machine, the game does not end when a player makes their first selection. Instead, the player is given two (or possibly more) selections and can potentially win more than one prize. In this version, the player may make two (or more) selections before the game ends with the game ending when the player makes his second (or last) selection, or when the number of remaining selections available to the player is equal to the number of elements remaining available to be selected. In another version of the Bennett slot machine, the prizes associated with the zones include bonus games. In another version of the Bennett slot machine, the above-described game would be played as a bonus game wherein the player is provided the opportunity to improve the prize won in the preceding main game.

Amended independent Claim 1 is directed to a gaming device including, amongst other elements, at least one display device operable to display a game resulting from a wager, the game including a plurality of displayed symbols. The gaming device includes a controller configured to operate with the at least one display device and the at least one input device for a single play of the game to randomly determine a first quantity of independent rounds and randomly assign at least one of a plurality of items to one of the plurality of displayed symbols for each of the determined first quantity of independent rounds, wherein the first quantity is at least one, to randomly determine a second quantity of independent rounds and randomly assign at least one of the plurality of items to a plurality of the displayed symbols for each of the determined second quantity of independent rounds, wherein the second quantity is at least one, to randomly determine a third quantity of independent rounds and randomly assign at least one of the plurality of items to all of the displayed symbols for each of the determined third quantity of independent rounds, wherein the third quantity is at least one and the random assignment for each round is independent of the other rounds, to enable the player to select one of the displayed symbols in each of the determined quantities of

independent rounds, and to provide an award to the player for each of the determined quantities of independent rounds if the player selects one of the displayed symbols having at least one of the assigned items in the independent round.

Similar to amended independent Claim 1, amended independent Claims 13 and 24 are each generally directed to a method of operating a gaming device, for a play of a single game resulting from a wager the method includes, amongst other elements, randomly determining a first quantity of independent rounds and randomly assigning at least one of a plurality of items to one of the displayed symbols for each of the determined first quantity of independent rounds, wherein the first quantity is at least one, randomly determining a second quantity of independent rounds and randomly assigning at least one of the plurality of items to a plurality of the displayed symbols for each of the determined second quantity of independent rounds, wherein the second quantity is at least one, and randomly determining a third quantity of independent rounds and randomly assigning at least one of the plurality of items to all of the displayed symbols for each of the determined third quantity of independent rounds, wherein the third quantity is at least one and the random assignment for each round is independent of the other rounds.

Applicants respectfully submit that even if Bennett's disclosures that a prize may include bonus games and that the game of Bennett may be played as a bonus game are interpreted such that Bennett discloses playing the game a plurality of times as independent rounds, Bennett still does not disclose that the quantity of independent rounds is randomly determined based on three separate random determinations. That is, providing a plurality of plays of a game and classifying such plays as independent rounds is patently different than randomly determining a quantity of independent rounds for a single play of a game by (i) randomly determining a first quantity of independent rounds to assign at least one of a plurality of items to one of the plurality of displayed symbols for each of the determined first quantity of independent rounds, (ii) randomly determining a second quantity of independent rounds to assign at least one of the plurality of items to a plurality of the displayed symbols for each of the determined second quantity of independent rounds, and (iii) randomly determining a third quantity of

independent rounds to assign at least one of the plurality of items to all of the displayed symbols for each of the determined third quantity of independent rounds.

Additionally, as discussed during the telephone interview, the controller in Bennett randomly associates prizes with a predetermined number of displayed indicia. Bennett does not disclose, for a single play of the game, to randomly determine a first quantity of independent rounds and randomly assign at least one of a plurality of items to one of the plurality of displayed symbols for each of the determined first quantity of independent rounds, wherein the first quantity is at least one, to randomly determine a second quantity of independent rounds and randomly assign at least one of the plurality of items to a plurality of the displayed symbols for each of the determined second quantity of independent rounds, wherein the second quantity is at least one, to randomly determine a third quantity of independent rounds and randomly assign at least one of the plurality of items to all of the displayed symbols for each of the determined third quantity of independent rounds, wherein the third quantity is at least one and the random assignment for each round is independent of the other rounds. That is, unlike the gaming device/methods of operating a gaming device of amended independent Claims 1, 13 and 24, Bennett does not disclose that for at least one independent round of the single game, at least one of a plurality of items will be assigned to one of the plurality of displayed symbols, for at least one independent round of the single game, at least one of the plurality of items will be assigned to a plurality of the displayed symbols and for at least one independent round of the single game, at least one of the plurality of items will be assigned to all of the displayed symbols.

Moreover, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the gaming device of Bennett such that the quantity of independent rounds is randomly determined as in amended independent Claims 1, 13 and 24. Furthermore, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the gaming device of Bennett such that for at least one independent round of the single game, at least one of a plurality of items will be assigned to one of the plurality of displayed symbols, for at least one independent round

of the single game, at least one of the plurality of items will be assigned to a plurality of the displayed symbols and for at least one independent round of the single game, at least one of the plurality of items will be assigned to all of the displayed symbols as in amended independent Claims 1, 13 and 24. Such modifications of Bennett, without additional documentary evidence, would improperly rely on knowledge gleaned from Applicants' disclosure and amount to impermissible hindsight reconstruction. In other words, the results of configuring the gaming device/methods of operating a gaming device of amended independent Claims 1, 13 and 24 to (i) randomly determine a first quantity of independent rounds and randomly assign at least one of a plurality of items to one of the plurality of displayed symbols for each of the determined first quantity of independent rounds, (ii) randomly determine a second quantity of independent rounds and randomly assign at least one of the plurality of items to a plurality of the displayed symbols for each of the determined second quantity of independent rounds, and (iii) randomly determine a third quantity of independent rounds and randomly assign at least one of the plurality of items to all of the displayed symbols for each of the determined third quantity of independent rounds would not have been predictable to one of ordinary skill in the art at the time of Applicants' invention in view of Bennett. For these reasons, Applicants respectfully submit that amended Claims 1, 13, and 24 are patentably distinguished over Bennett and in condition for allowance.

Claims 3 to 12, 22, 23 and 25 to 28 depend directly or indirectly from independent Claims 1, 13, and 24 respectively, are also allowable for the reasons given with respect to Claims 1, 13, and 24 and because of the additional features recited in these claims.

Applicants have amended previously allowed Claims 29 and 34 to clarify that the gaming device/method of operating a gaming device includes selecting a first number of player selections of the first item, and selecting a second number of player selections of the second item. Applicants submit that amended Claims 29 and 34 remain in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY



Adam H. Masia
Reg. No. 35,602
Customer No. 29159

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